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Mailed: JUN 17 2004

spg
Paper Number 16

In re application of :
David P. Balding et al. : DECISION ON
Serial No. 09/703,846 : PETITION
Filed: November 2, 2000 :
For: METHOD OF SELECTIVELY SHAPING HOLLOW FIBERS :
OF HEAT EXCHANGE CATHETER :

This is a response to the letter filed February 9, 2004 entitled "Re: Reconsideration of Decision to Deny Petition to Revive U.S. Patent Application No. 09/703,846". The letter requests reconsideration of the petition decision mailed January 30, 2004 and asserts that the abandonment, as set forth in the Notice of Abandonment mailed July 9, 2003, be withdrawn since the applicant did not receive the Office letter mailed March 26, 2003.

DECISION

Since the requestor asserts that the applicant did not receive the Office letter March 26, 2003, the request is accepted as a petition under 37 C.F.R. § 1.181 (no fee) and is evaluated under the procedures regarding an acceptable showing of non-receipt of an office action, TMOG 1156 O.G. 53, November 16, 1993, (see also MPEP 711.02 - NEW PROCEDURE TMOG 1170 O.G. 114).

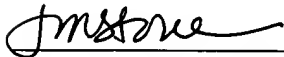
A review of the petitioner's evidence indicates that the request cannot be granted. As set forth in MPEP § 711.03(c) II - PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION:

"The showing required to establish the nonreceipt of an Office communication **must** include a statement from the practitioner stating that the Office communication was not received by the practitioner and **attesting to the fact that a search of the file jacket** and docket records **indicates that the Office communication was not received.** A copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in the practitioner's statement." (emphasis added)

The evidence presented is insufficient to establish that the Office letter mailed March 26, 2003 was not received at the attorney's correspondence address. The evidence provided includes a statement by the petitioner that the Office letter mailed March 26, 2003 was not received by the office of the petitioner and a statement that a search of the docket records was made and the results of such a search revealed that the Office letter mailed March 26, 2003 was not received, also included is a copy of the docket records, but the instant petition does not contain a statement attesting that a search of the file jacket was made, and the results of such a search revealed that the office communication was not received.

For applicant's convenience a copy of the Office letter mailed March 26, 2003 is provided as an attachment hereto.

The petition is **DENIED**.



Jacqueline Stone, Director
Technology Center 1700
Chemical and Materials Engineering

Attachment: Office letter mailed March 26, 2003.

BURNS DOANE SWECKER & MATHIS L L P
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER

FILING/RECEIPT DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NUMBER

Bruns, Doane Swecker & Mathis LLP

Post Office Box 1404

Alexandria, VA 22313-1404

Examiner

Art Unit

Paper Number

#12

Date Mailed:

3-26-03

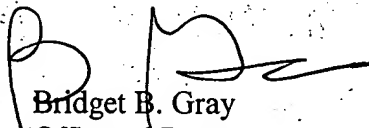
Notice Regarding Drawings

Corrected drawings for the above-identified application, received in the USPTO on _____ are still not acceptable for the reason(s) identified on the attached PTO-948. Applicant is given one opportunity to correct the informalities within a two month time period from the mailing date of this Notice. **THIS TIME PERIOD IS NOT EXTENDABLE UNDER EITHER 37 CFR 1.136(a) OR 1.136(b).** Failure to take corrective action within the set period will result in abandonment of the application.

ATTACHMENT: PTO-948 Notice of Draftsperson's Patent Drawing Review

RETURN CORRECTED DRAWINGS TO:

Box Issue Fee
Drawings
Commissioner for Patents
Washington, D.C. 20231


Bridget B. Gray
Office of Patent Publication,
Publishing Division
703-305- 8404

NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

The drawing(s) filed (insert date) 11/2/00 are:

A. ☐ approved by the Draftsperson under 37 CFR 1.84 or 1.152.

B. ☒ objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. The Examiner will require submission of new, corrected drawings when necessary. Corrected drawing must be submitted according to the instructions on the back of this notice.

1. DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings:

Black ink. Color.

Color drawings are not acceptable until petition is granted.

Fig(s) _____

Pencil and non black ink not permitted. Fig(s) _____

2. PHOTOGRAPHS. 37 CFR 1.84(b)

1 full-tone set is required. Fig(s) _____

Photographs may not be mounted. 37 CFR 1.84(c)

Poor quality (half-tone). Fig(s) _____

3. TYPE OF PAPER. 37 CFR 1.84(e)

Paper not flexible, strong, white, and durable.

Fig(s) _____

Erasures, alterations, overwritings, interlineations,

folds, copy machine marks not accepted. Fig(s) All

Mylar, vellum paper is not acceptable (too thin).

Fig(s) _____

4. SIZE OF PAPER. 37 CFR 1.84(f): Acceptable sizes:

21.0 cm by 29.7 cm (DIN-size A4)

21.6 cm by 27.9 cm (8 1/2 x 11 inches)

All drawing sheets not the same size.

Sheet(s) _____

Drawings sheets not an acceptable size. Fig(s) _____

5. MARGINS. 37 CFR 1.84(g): Acceptable margins:

Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm

SIZE: A4 Size

Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm

SIZE: 8 1/2 x 11

Margins not acceptable. Fig(s) 2-4, 5, 6

Top (T) Left (L)

Right (R) Bottom (B)

6. VIEWS. 37 CFR 1.84(h)

REMINDER: Specification may require revision to correspond to drawing changes.

Partial views. 37 CFR 1.84(h)(2)

Brackets needed to show figure as one entity.

Fig(s) _____

Views not labeled separately or properly.

Fig(s) _____

Enlarged view not labeled separately or properly.

Fig(s) _____

7. SECTIONAL VIEWS. 37 CFR 1.84 (h)(3)

Hatching not indicated for sectional portions of an object.

Fig(s) _____

Sectional designation should be noted with Arabic or

Roman numbers. Fig(s) _____

8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(i)

Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned so that the top becomes the right side, except for graphs. Fig(s) _____

9. SCALE. 37 CFR 1.84(k)

Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction.

Fig(s) _____

10. CHARACTER OF LINES, NUMBERS, & LETTERS. 37 CFR 1.84(l)

Lines, numbers & letters not uniformly thick and well defined, clean, durable, and black (poor line quality). Fig(s) All

11. SHADING. 37 CFR 1.84(m)

Solid black areas pale. Fig(s) _____

Solid black shading not permitted. Fig(s) _____

Shade lines, pale, rough and blurred. Fig(s) _____

12. NUMBERS, LETTERS, & REFERENCE CHARACTERS. 37 CFR 1.84(p)

Numbers and reference characters not plain and legible. Fig(s) All

Figure legends are poor. Fig(s) All

Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(1)

Fig(s) _____

English alphabet not used. 37 CFR 1.84(p)(2)

Fig(s) _____

Numbers, letters and reference characters must be at least 32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3)

Fig(s) _____

13. LEAD LINES. 37 CFR 1.84(q)

Lead lines cross each other. Fig(s) _____

Lead lines missing. Fig(s) _____

14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.84(i)

Sheets not numbered consecutively, and in Arabic numerals beginning with number 1. Sheet(s) _____

15. NUMBERING OF VIEWS. 37 CFR 1.84(u)

Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s) _____

16. CORRECTIONS. 37 CFR 1.84(w)

Corrections not made from prior PTO-948 dated _____

17. DESIGN DRAWINGS. 37 CFR 1.152

Surface shading shown not appropriate. Fig(s) _____

Solid black shading not used for color contrast.

Fig(s) _____

COMMENTS

REVIEWER Bridget G. Row DATE 3-18-03 TELEPHONE NO. _____

ATTACHMENT TO PAPER NO. _____